



I do hereby certify this to be a complete, accurate, and true copy of the document which is on file or is of record in the offices of the Texas Board of Nursing.  
*Katherine A. Thomas*  
Executive Director of the Board

BEFORE THE TEXAS BOARD OF NURSING

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In the Matter of § AGREED ORDER  
Registered Nurse License Number 894781 §  
& Vocational Nurse License Number 233868 §  
issued to ARNAR JAISHAUN GANT § FOR KSTAR PILOT PROGRAM

On this day the Texas Board of Nursing, hereinafter referred to as the Board, considered the matter of ARNAR JAISHAUN GANT, Registered Nurse License Number 894781 and Vocational Nurse License Number 233868, hereinafter referred to as Respondent.

Information received by the Board produced evidence that Respondent may be subject to discipline pursuant to Section 301.452(b)(10)&(13), Texas Occupations Code. Respondent waived notice and hearing and agreed to the entry of this Order approved by Katherine A. Thomas, MN, RN, FAAN, Executive Director, on January 12, 2018.

FINDINGS OF FACT

1. Prior to the institution of Agency proceedings, notice of the matters specified below in these Findings of Fact was served on Respondent and Respondent was given an opportunity to show compliance with all requirements of the law for retention of the license(s).
2. Respondent waived notice and hearing, and agreed to the entry of this Order.
3. Respondent's license to practice as a vocational nurse in the State of Texas is in current status. Respondent's license to practice as a professional nurse in the State of Texas is in current status.
4. Respondent received a Certificate in Vocational Nursing from Brightwood College, San Antonio, Texas on January 14, 2011, and received an Associate Degree in Nursing from Galen College of Nursing, San Antonio, Texas on December 18, 2015. Respondent was licensed to practice vocational nursing in the State of Texas on March 8, 2011, and was licensed to practice professional nursing in the State of Texas on February 16, 2016.

5. Respondent's nursing employment history includes:
  - 06/2012 - Unknown LVN First Steps, Converse, Texas
  - 09/2015 - 01/2016 LVN Assure Home Healthcare, San Antonio, Texas
  - 02/2016 - Present RN Assure Home Healthcare, San Antonio, Texas
6. At the time of the initial incident, Respondent was employed as a Registered Nurse with Assure Home Healthcare, and had been in that position for ten (10) months.
7. On or about December 13, 2016, while employed as a RN Home Health Nurse with Assure Home Healthcare, San Antonio, Texas, Respondent failed to appropriately supervise pediatric Patient Number 1367 in that she allowed him to walk and run outside, unattended near oncoming automobile traffic and a restaurant's drive-through window. The 25-month old patient has multiple diagnoses, including: obstructive sleep apnea, congenital malformation syndromes, feeding problems, gastrostomy tube care and maintenance, and seizures requiring twenty-four-hour care and monitoring. The patient's plan of care ordered that the patient was not to be left unattended and that he required 24-hour supervision due to self-aggressive behavior. The patient also required strict aspiration and vomiting precautions that necessitated emergency equipment be kept available at all times. Respondent's conduct was likely to injure the patient from undetected changes in condition, not being accessible to provide care when needed, as well as putting him at risk for possible abduction or physical trauma resulting in injury or death.
8. Respondent states her employer (Assure Home Health) requested she fill in for this patient on this day as the regularly scheduled nurse had not shown up for the day. She indicates that she had interviewed for this particular assignment approximately six months prior, but was not assigned at that time to take the case; therefore, Respondent states she had minimal background exposure to this particular patient. She also indicates that she was not provided a report, a copy of the patient's plan of care or any other instructions. Respondent states she covered the patient from 0800 to 1700, indicating that this was not a twenty-four hour nursing plan. She states that even though the patient has multiple conditions, his behaviors are self-sufficient so he required minimal nursing intervention such as diapering and g-tube feeding. On the day of the incident, Respondent states she arrived at the residence and the patient's mother told her that the older child needed to go to the dentist. Respondent departed the residence with the mom, patient, the older child, and a neighbor with a newborn. Instead of going to the dentist, they all went to Chic-Fil-A. The mom allowed the patient to go to the play area while they sat at the table. The mom departed to take the other child to the dentist while the patient was still in the play area. Respondent states that a neighbor who accompanied her and the patient to the fast food restaurant where the incident occurred informed her immediately when the patient was exiting the double doors, standing on the sidewalk. At that moment, the Respondent states she went and took a hold of the patient's

hand. Respondent goes on to state that the patient had been there very briefly, from the time the neighbor told the Respondent he was exiting the restaurant. Respondent states he never entered the street.

9. Formal Charges were filed on December 6, 2017.
10. Formal Charges were mailed to Respondent on December 6, 2017.

#### CONCLUSIONS OF LAW

1. Pursuant to Texas Occupations Code, Sections 301.451-301.555 , the Board has jurisdiction over this matter.
2. Notice was served in accordance with law.
3. The evidence received is sufficient to prove violation(s) of 22 TEX. ADMIN. CODE §217.11(1)(A),(1)(B),(1)(M)&(3)(A) and 22 TEX. ADMIN. CODE §217.12(1)(A),(1)(B)&(4).
4. The evidence received is sufficient cause pursuant to Section 301.452(b)(10)&(13), Texas Occupations Code, to take disciplinary action against Registered Nurse License Number 894781 and Vocational Nurse License Number 233868, heretofore issued to ARNAR JAISHAUN GANT.
5. Pursuant to Section 301.463(d), Texas Occupations Code, this Agreed Order is a settlement agreement under Rule 408, Texas Rules of Evidence, in civil or criminal litigation.

#### TERMS OF ORDER

##### **I. SANCTION AND APPLICABILITY**

IT IS THEREFORE AGREED and ORDERED that RESPONDENT SHALL receive the sanction of **WARNING WITH STIPULATIONS** in accordance with the terms of this Order.

- A. This Order SHALL apply to any and all future licenses issued to Respondent to practice nursing in the State of Texas.
- B. This Order SHALL be applicable to Respondent's nurse licensure compact privileges, if any, to practice nursing in the State of Texas.
- C. As a result of this Order, Respondent's license(s) will be designated "single state" and Respondent may not work outside the State of Texas in another nurse licensure compact party state.

**II. COMPLIANCE WITH LAW**

While under the terms of this Order, RESPONDENT agrees to comply in all respects with the Nursing Practice Act, Texas Occupations Code, §§301.001 *et seq.*, the Rules and Regulations Relating to Nurse Education, Licensure and Practice, 22 TEX. ADMIN. CODE §§211.1 *et seq.*, and this Order.

**III. KNOWLEDGE, SKILLS, TRAINING, ASSESSMENT AND RESEARCH (KSTAR) PILOT PROGRAM**

IT IS AGREED and ORDERED that RESPONDENT SHALL, within one (1) year of entry of this Order, successfully complete the Knowledge, Skills, Training, Assessment and Research (KSTAR) Pilot Program and RESPONDENT SHALL:

- (A) Within forty-five (45) days of entry of this Order, apply to and enroll in the KSTAR Pilot Program, including payment of any fees and costs, unless otherwise agreed in writing;
- (B) Submit to an individualized assessment designed to evaluate RESPONDENT'S nursing practice competency and to support a targeted remediation plan;
- (C) Follow all requirements within the remediation plan, if any;
- (D) Successfully complete a Board-approved course in Texas nursing jurisprudence and ethics as part of the KSTAR Pilot Program; and
- (E) Provide written documentation of successful completion of the KSTAR Pilot Program to the attention of Monitoring at the Board's office.

**IV. FURTHER COMPETENCY ISSUES AND VIOLATIONS**

IT IS FURTHER AGREED, SHOULD RESPONDENT'S individualized KSTAR Pilot Program assessment identify further competency issues and violations of the Nursing Practice Act, including inability to practice nursing safely, further disciplinary action, up to and including

revocation of Respondent's license(s) to practice nursing in the State of Texas, may be taken based on such results in the assessments.

**V. RESTORATION OF UNENCUMBERED LICENSE(S)**

Upon full compliance with the terms of this Order, all encumbrances will be removed from RESPONDENT'S license(s) to practice nursing in the State of Texas and, subject to meeting all existing eligibility requirements in Texas Occupations Code Chapter 304, Article III, RESPONDENT may be eligible for nurse licensure compact privileges, if any.

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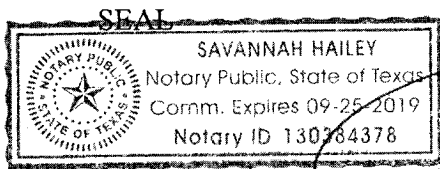
RESPONDENT'S CERTIFICATION

I understand that I have the right to legal counsel prior to signing this Agreed Order. I waive representation by counsel. I have reviewed this Order. I neither admit nor deny the violation(s) alleged herein. By my signature on this Order, I agree to the entry of this Order, and any conditions of said Order, to avoid further disciplinary action in this matter. I waive judicial review of this Order. I understand that when this Order becomes final and the terms of this Order become effective, a copy will be mailed to me. I understand that if I fail to comply with all terms and conditions of this Order, I will be subject to investigation and disciplinary sanction, including possible revocation of my license(s) to practice nursing in the State of Texas, as a consequence of my noncompliance.

Signed this 7<sup>th</sup> day of MARCH, 2008.

Arnar Gant  
ARNAR JAISHAUN GANT, Respondent

Sworn to and subscribed before me this 7<sup>th</sup> day of March, 2008.



[Signature]  
Notary Public in and for the State of TEXAS

WHEREFORE, PREMISES CONSIDERED, the Texas Board of Nursing does hereby ratify and adopt the Agreed Order that was signed on the 7th day of March, 2018, by ARNAR JAISHAUN GANT, Registered Nurse License Number 894781 and Vocational Nurse License Number 233868, and said Order is final.

Effective this 19th day of April, 2018.

A handwritten signature in cursive script, appearing to read "Katherine A. Thomas".

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Katherine A. Thomas, MN, RN, FAAN  
Executive Director on behalf  
of said Board